



# STATE MINING AND GEOLOGY BOARD

## EXECUTIVE OFFICER'S REPORT



ARNOLD  
SCHWARZENEGGER  
GOVERNOR

For Meeting Date: November 12, 2009

### **Agenda Item No. 4: Recognition Consideration of Revised Mineral Resources Management Policies for the County of Mendocino, Pursuant to Public Resources Code Section 2762.**

**INTRODUCTION:** The Surface Mining and Reclamation Act (SMARA; Public Resources Code Section 2710 et seq.) requires every lead agency, within which a mineral resource's economic value has been Classified by the State Geologist or has been Designated as having regional economic significance by the State Mining and Geology Board (SMGB), to establish Mineral Resource Management Policies (MRMP) for the mineral resource in its General Plan. The SMGB is considering recognizing the recently adopted MRMP for the County of Mendocino.

**STATUTORY AND REGULATORY AUTHORITY:** Pursuant to Public Resources Code (PRC) Section 2762, every lead agency is required to submit its proposed amendment to its MRMP to the SMGB for review and comment prior to adoption. PRC Sections 2762(a), (b), and (c) states:

*"Within 12 months of receiving the mineral information described in Section 2761, and also within 12 months of the designation of an area of statewide or regional significance within its jurisdiction, every lead agency shall, in accordance with state policy, establish mineral resource management policies to be incorporated in its general plan which will:*

- (1) Recognize mineral information classified by the State Geologist and transmitted by the board.*
- (2) Assist in the management of land use which affects areas of statewide and regional significance.*
- (3) Emphasize the conservation and development of identified mineral deposits.*
- (b) Every lead agency shall submit proposed mineral resource management policies to the board for review and comment prior to adoption.*
- (c) Any subsequent amendment of the mineral resource management policy previously reviewed by the board shall also require review and comment by the board."*

The SMGB has established in State Policy minimum standards for a lead agency MRMP pursuant to Title 14 of the California Code of Regulations (CCR), Article 6,



*Executive Officer's Report*

Sections 3675 and 3676. Article 6 of Title 14 CCR, Section 3675, provides definitions and states:

*“The following definitions as used herein shall govern the interpretation of these regulations:*

*Compatible Land Use. Land uses inherently compatible with mining and/or that require a minimum public or private investment in structures, land improvements, and which may allow mining because of the relative economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, very low density residential, geographically extensive but low impact industrial, recreational, agricultural, silvicultural, grazing, and open space.*

*Incompatible Land Use. Land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements, and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, high density residential, low density residential with high unit value, public facilities, geographically limited but impact intensive industrial, and commercial.”*

Article 6 of Title 14 CCR, Section 3676, provides minimum standards and states:

*“Lead agency mineral resource management policies adopted pursuant to the provisions of PRC Section 2762 shall include but not be limited to, the following:*

- (a) A summary of the information provided by the classification and/or designation reports, or incorporation of PRC Sections 2710 et seq., and state policy by reference, together with maps of the identified mineral deposits or incorporation by reference of the classification and/or designation maps provided by the Board.*
- (b) Statements of policy in accordance with the provisions of PRC Section 2762(a).*
- (c) Implementation measures that shall include:*
  - (1) Reference in the general plan of the location of identified mineral deposits, and a discussion of those areas targeted for conservation and possible future extraction by the lead agency.*



*(2) Use of overlay maps or inclusion of information on any appropriate planning maps to clearly delineate identified mineral deposits and those areas targeted by the lead agency for conservation and possible future extraction.*

*(3) At least one of the following:*

*(A) Use of special purpose overlay zones, mineral resource/open space zoning, or any other appropriate zoning that identifies the presence of identified mineral deposits and restricts the encroachment of incompatible land uses in those areas that are to be conserved.*

*(B) Record, on property titles in the affected mineral resource areas, a notice identifying the presence of identified mineral deposits.*

*(C) Impose conditions upon incompatible land uses in and surrounding areas containing identified mineral deposits for the purpose of mitigating the significant land use conflicts prior to approving a use that would otherwise be incompatible with mineral extraction.”*

**BACKGROUND:** The County of Mendocino (County) is one of the larger mining counties in California. Its primary commodity is sand and gravel. The County has about 59 mines within its jurisdiction, of which about 33 are currently active, 13 closed with no intent to resume mining, 8 certified closed, and 5 noted as idle.

**ANALYSIS:** The purpose and intent of the MRMP are to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by SMARA, and the SMGB’s regulations. MRMP are included in Chapter 4: Resources Management Element, Mineral Resources Policies (pages 4-44 and 4-45 of the Updated General Plan). Such MRMP were reviewed for Content, Clarity, and Conflict by the Executive Officer, and comments provided and subsequently incorporated, as appropriate.

The “*County of Mendocino General Plan*” was adopted by the County Board of Supervisors on August 17, 2009. On August 17, 2009, the Board of Supervisors also certified the Environmental Impact Report for the General Plan via Resolution No. 09-182, and adopted the General Plan via Resolution No. 09-183. A Notice of Determination evidencing compliance with Section 21152 of the PRC and Section 15094 of the California Environmental Quality Act (CEQA) was posted from August 26 thru September 25, 2009.



**EXECUTIVE OFFICER'S FINDINGS:** The Executive Officer finds:

1. The County of Mendocino's Updated General Plan – MRMP is in compliance with the requirements of SMARA; and
2. The proposed MRMP meets the requirements of SMARA and State Policy, specifically Title 14 CCR Article 6, Sections 3675 and 3676.

**EXECUTIVE OFFICER'S RECOMMENDATIONS:** Pursuant to PRC Section 2762, and Title 14 CCR, Article 6, Sections 3675 and 3676, the Executive Officer recommends:

1. The SMGB recognize the County of Mendocino's MRMP in its General Plan as being in compliance with SMARA and the SMGB's regulations; and
2. The SMGB instruct the Executive Officer to notify the County of Mendocino of its determination.

**SUGGESTED MOTION LANGUAGE:**

To recognize MRMP and convey determination:

*Mr. Chairman, in light of the information before the SMGB today, I move that the SMGB adopt Resolution 2009-05 and recognize the County of Mendocino's MRMP in its General Plan as being in compliance with SMARA and the Board's regulations. This motion includes instructions to the Executive Officer to notify the County of this determination.*

Respectfully submitted:

---

Stephen M. Testa  
Executive Officer

